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NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Philip DiBartolo, D.C.  
License No. MC 003113

TO PRACTICE CHIROPRACTIC  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon receipt of information that Dr. DiBartolo (hereinafter "Respondent") may have engaged in some billing irregularities in connection with his practice at the Center for Neck and Back Disorders in Pleasantville, New Jersey.

On December 7, 2000, Respondent appeared, together with counsel, Teri S. Lodge, Esq., at an investigative inquiry held by the Board into the matter. Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry and documents subsequently provided through Respondent's counsel, it appears to the Board that the Respondent was, in certain instances: billing for services not rendered, charging excessive fees for services that were

rendered, failing to maintain accurate patient records, and engaging in the repeated administration of physical modalities for which he failed to demonstrate adequate competence. These activities were in violation of N.J.A.C. 13:44E-2.13(a)5, N.J.A.C. 13:44E-2.13(a)4, and N.J.A.C. 13:44E-2.2(a), and are bases for disciplinary action pursuant to N.J.S.A. 45:1-21(h) and N.J.S.A. 45:1-21(d). It appearing however that Respondent desires to resolve this matter without admissions, and without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS *13<sup>th</sup>* DAY OF *November*, 2001

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice chiropractic shall be, and hereby is, suspended for a period of one (1) year from the date of entry of the within Consent Order; said suspension shall be **stayed** to serve as a period of probation, provided that Respondent adheres fully and completely to the terms and conditions set forth herein.

2. Respondent shall successfully complete and pass the following continuing education: twelve (12) hours of Diagnosis and Treatment Planning; twelve (12) hours of Physical Modalities; and twelve (12) hours of Record Keeping. These courses shall be completed within 12 months of the entry of the within Consent Order. Respondent shall secure prior approval of the Board for the specific courses proposed to satisfy this requirement. Respondent shall be required to complete the attached Continuing Education Proof of Attendance Report as proof of successful completion and passing of the required course work. The attached forms are made a part of the within Consent Order, and a separate form is to be used for each course.

3. Respondent shall cease and desist from performing or supervising the administration of physical modalities, but may resume performance or supervision of physical modalities upon the successful completion of the continuing education listed in paragraph 2 of this Consent Order.

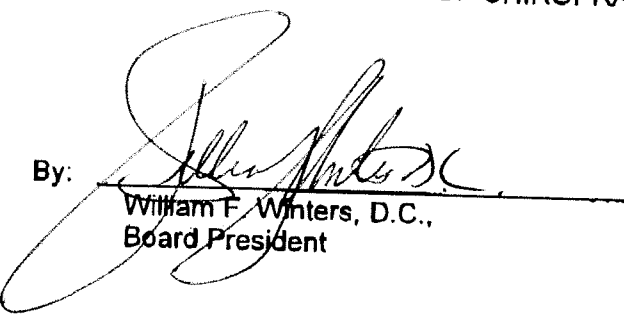
4. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amounts of: \$2,000.00 for billing for services not rendered in violation of N.J.A.C. 13:44E-2.13(a)5; \$2,500.00 for charging excessive fees in violation of N.J.A.C. 13:44E-2.13(a)4; \$1,000.00 for failure to maintain accurate patient records in violation of N.J.A.C. 13:44E-2.2(a); and \$2,500.00 for the repeated administration of physical modalities for which he failed to demonstrate adequate competence, contrary to N.J.S.A. 45:1-21(d); for a total penalty in the amount of \$8,000.00. Payment for the civil penalties shall be by certified check or money order made payable to the State of New Jersey, and shall be sent to: Kevin B. Earle, Executive Director, Board of Chiropractic Examiners at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101 no later than ten (10) days from the entry of this Consent Order. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$237.00. Payment for the costs shall be submitted to the Board by certified check or money order made payable to the State of New Jersey no later than ten (10) days from the entry of this Consent Order. Payment shall be sent to Kevin B. Earle at the address described in paragraph #4.

6. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By:

  
William F. Winters, D.C.,  
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

  
Philip DiBartolo, D.C.